

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ross E. Breyfogle on May 16, 2011.

The application has been amended as follows:

Please amend claim 24 as follows:

The method of Claim 1, wherein the surveying further comprises forming test holes into different portions of the heap and determining a property of the heap at different lateral locations and different depths in the heap.

Please cancel claims 25 and 26.

Please amend claim 27, line 1 as follows: "The method of Claim ~~26~~1, wherein the geophysical survey comprises a"

Please amend claim 59 as follows:

59. A method for extracting additional component from a heap of material after the heap has already been subjected to extraction of at least some of the component by prior heap leaching, the method comprising:

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selectively remedially treating at least one identified portion of the heap, the selectively remedially treating comprising:

excavating a well into a said identified portion of the heap;

introducing treating solution into the said identified portion of the heap through ~~a~~ the well into the said identified portion of the heap and dissolving into the treating solution at least a portion of the component from the identified portion of the heap;

wherein prior to the excavating the well ~~introducing the treating solution~~, the said identified portion of the heap ~~has been identified for selective remedial treatment from analyzing data comprising geophysical survey data to be deficient in extraction of the component in that following the prior heap leaching the extraction of the component in the identified portion is low in comparison to average extraction of the component from the heap; and~~

wherein prior to the introducing the treating solution, the said identified portion of the heap has been hydraulically fractured through the well.

The following is an examiner's statement of reasons for allowance: The teachings of the prior art may be found in the record. While the prior art recognizes the same basic problems that are typically associated with "traditional" leaching (spraying or otherwise adding the leach liquor/solution over the top of the heap and allowing said liquor/solution to percolate down through the heap) that the instant invention discusses and additionally teaches the use of distribution wells to overcome said problems, the

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prior art of record does not teach or render obvious remedially and selectively treating/leaching a heap of material, which has already been subjected to leaching, **by excavation of a well/wells into** a portion/portions of the heap, wherein the portion/said portions have been determined via surveying, as claimed, to be deficient in extraction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLIN W. SLIFKA whose telephone number is (571)270-5830. The examiner can normally be reached on Monday-Thursday, 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melvin Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/COLIN W SLIFKA/
Examiner, Art Unit 1732

May 16, 2011

/Melvin Curtis Mayes/
Supervisory Patent Examiner, Art Unit 1732